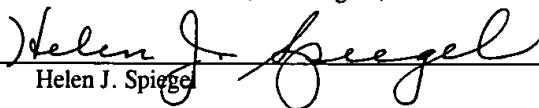




**CERTIFICATE OF MAILING**

I hereby certify that this paper is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC-20231 on April 28, 2000.

  
Helen J. Spiegel

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

:

Tsang et al.

:

Application No: 09/185,243

: Group Art Unit: 1633

Filed: November 3, 1998

: Examiner: Stroup, Carrie

Title: **HYPERTHERMIC INDUCIBLE EXPRESSION VECTORS FOR GENE THERAPY  
AND METHODS OF USE THEREOF**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

Responsive to the Office Action mailed March 29, 2000, Applicants make the following election.

Claims 1-46 are pending. The Action restricts the invention into four groups as follows:

Group I: Claims 18-23, drawn to a method of treatment of pathogen;

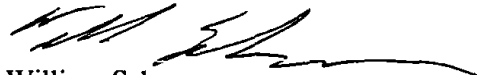
Group II: Claims 1-22, 24, 27-37, and 39-46, drawn to an expression construct, a method of expression of a transgene, and method to treat cancer, *in vivo*;

Group III: Claims 18-22, 25 and 38, drawn to a method of altering genetic material of a mammal; and

Group IV: Claims 18-22 and 26, drawn to a method to promote nerve regeneration.

Pursuant to the telephone discussion between Examiner Stroup and the undersigned on April 27, 2000, the Examiner has agreed to combine Groups I, II, and III for examination. Applicants confirm their election to proceed with examination of this reformulated group, with traverse, and request inclusion of Group IV also. The latter Group uses the constructs and methods of Group II for a particular purpose, the promotion of nerve regeneration; patentability will be *prima facie* dependent upon the patentability of the claims of Group II.

Respectfully submitted,



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Date: April 28, 2000

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